IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

LA.App.No. 78 of 2004(D)

LAR.127/1999 of SUB COURT, PAYYANNUR
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

RESPONDENTS/CLAIMANTS:
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1. **VALANBATH VEETTIL KORAN NAIR (DIED).**

   LEGAL HEIRS OF DECEASED KORAN NAIR.

2. **EDAKKAPURATH VEETTIL PADMAVATHI AMMA, RAMANTHALI AMSOM DESOM, P.O. RAMANTHALI.**

3. **E.V. PUSHPAMANI, VALANBATH VEETTIL, RAMANTHALI AMSOM DESOM, P.O. RAMANTHALI.**

4. **E.V. MADHAVAN, RAMANTHALI AMSOM DESOM, P.O. RAMANTHALI.**

5. **E.V. KRISHNANKUTTY, RAMANTHALI AMSOM DESOM, P.O. RAMANTHALI.**

6. **E.V. SUKUMARAN, DO.**

7. **E.V. PREMALATHA, RAMANTHALI AMSOM DESOM, P.O. RAMANTHALI.**

8. **E.V. BHOJA RAJAN, RAMANTHALI AMDOM, DESOM, P.O. RAMANTHALI.**

9. **E.V. KOMALAVALLY, RAMANTHALI AMSOM DESOM. P.O. RAMANTHALI.**

BY ADV. SRI.M.SASINDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 78 OF 2004

Dated this the 25th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 127/1999 on the file of Sub Court, Payyannur. Acquisition is for the purpose of Naval Academy. It is seen that the reference court has placed reliance on Exhibit A4 Sale Deed executed on 06.01.1996. Section 4(1) notification is dated 30.05.1997.

2. The land value as per Exhibit A4 is Rs. 8,000/- per cent. It has come out in evidence that A4 property is situated near to the acquired land. According to the Advocate Commissioner also whose report is marked as Exhibit A1, A4 property lies 50 metres away from the acquired land.

3. It has also come out in evidence that the acquired property and A4 property are similar and similarly situated except to the additional advantage of road access for A4 property. It has also come out in evidence that the acquired property is situated near to very important institutions like

schools, banks and commercial establishments. Thus on the basis of the evidence available on record, reference court has fixed the land value as Rs. 7,500/- per cent, which according to us is just valuation for the property.

As far as the fixation of land value for the structures, it is seen that the reference court has placed reliance on the report of the PWD Engineer, Exhibits X1 and X2. Thus no interference in that regard is also called for. Therefore, there is no merit in the appeal and it is dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp